

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EUGENE HORTON,

Plaintiff,

v.

DONALD SNYDER, JAMES GOODMAN,
and SHELTON FREY,

Defendants.

Case No.: 3:02-cv-282-MJR

ORDER

This matter is before the Court on the Motion for Sanctions filed by the plaintiff, Eugene Horton, on July 25, 2005 (Doc. 67) and the Motion to Amend filed by Horton on July 27, 2005 (Doc. 68). For the reasons set forth below, the Motion for Sanctions is **DENIED** and the Motion to Amend is **TAKEN UNDER ADVISEMENT**.

MOTION FOR SANCTIONS

The plaintiff seeks an order sanctioning Roger E. Walker, the current Director of the Illinois Department of Corrections, for failing properly supervise the disbursement of writing paper and envelopes by the library staff at the Pontiac Correctional Center, where the plaintiff is currently incarcerated. No sanctions are warranted. First, Director Walker is not a party to this lawsuit, nor are members of the library staff. Second, sanctions are not imposed for such a minor delay in the plaintiff's prosecution of his case. Even if the library staff were refusing to provide paper and envelopes, such a situation can be remedied by an extension of time to complete discovery as the plaintiff also requests. Third, Horton has made no specific showing of how such actions "disadvantaged" him during the discovery process. Fourth, and for the

foregoing reasons, this sanctions request is simply frivolous. Sanctions are imposed as a last resort and are not entered into lightly. The plaintiff is INSTRUCTED that if he files additional frivolous sanctions requests, they will be stricken from the record and the Court will consider sanctioning the plaintiff for filing such frivolous motions.

However, as the defendant does not object, the discovery deadline in this case is extended to **November 30, 2005** in order for the parties to complete discovery.

MOTION TO AMEND

Currently, before the District Court, is this Court's Report and Recommendation concerning defendant Goodman's motion to dismiss. This Court will take this motion to amend UNDER ADVISEMENT pending the District Court's ruling on the Report and Recommendation.

For the foregoing reasons, the Motion for Sanctions filed by the plaintiff, Eugene Horton, on July 25, 2005 is **DENIED** (Doc. 67) and the Motion to Amend filed by Horton on July 27, 2005 is **TAKEN UNDER ADVISEMENT** (Doc. 68).

DATED: August 11, 2005

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge